

Tim Mousley QC & William Mousley QC

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Job titles

Head of Chambers and Silk
2KBW

2KBW is primarily a criminal set of chambers with a Western Circuit heritage. Increasingly members are working in other areas particularly London, the South East and the Midlands including a significant group of civil practitioners, dealing with general common law as well as some more specialised areas of civil law.

Congratulations, William, on gaining Silk in this year's round of appointments. I don't think there are many sets that have two brothers as members both as Silk, and as yours is Head of Chambers, what sort of sibling rivalry if any, has there been through the years?

WM: Ever since I joined 2 KBW as the junior tenant in 1987, Tim has always supported my career. We were both busy juniors until he took Silk in 2003 and had appeared in cases together. Since 2003, he has led me on a number of occasions and we have been an effective team. I wanted to emulate his achievements and to sustain his high standards of advocacy. I think I may have picked up the odd "return" from him and he might admit that he did from me. Of course, we are now both swimming in a smaller pool and there are some big fish around but I do not foresee any problems arising between us. Tim has always been on hand for friendly advice and only very rarely has he needed to put his younger brother in his place.

The first three years as Silk can often make for a testing transition. What support do you think is necessary to make this successful?

WM: I am aware of the challenges

ahead and the need to have a good team around me to build on my reputation and the healthy relationships established with professional clients, as well as demonstrating my ability in other areas outside the Crown Court. It starts from the top with Tim, as Head of Chambers. A cohesive and determined "Clerks Room" with a good knowledge of the market-place will be critical, as will the support of other members of chambers and advocates from other sets and organisations.

TJM: It's a very exciting time for Bill but he will need some luck as well as relying on his proven talent. I think Bill will comfortably make the transition from being a highly respected and busy junior to being a successful and sought after Silk. My Senior Clerk and I have established and maintained a good rapport with the judiciary, court staff, CPS, SOCA and well-regarded solicitors firms which has helped.

You are both authorised to accept Direct Access work. Is this something your chambers is proactive in?

TJM: Nearly half the members of chambers are now able to accept DPA work and we have started to receive instructions. We are able to act in civil, regulatory and a limited number of criminal matters (road traffic, health and safety and some government department prosecutions being good examples). We see this as an opportunity to broaden our appeal whilst not forgetting the importance and value we place on continuing to work for our professional clients. Excellence in advocacy should be the benchmark for the independent Bar and some of those involved in litigation should have the opportunity of getting that quality at a fair competitive rate.

Do either of you have concerns about the effectiveness of the Bribery Act when it is finally implemented?

WM: My concern, which is shared by a number of experienced practitioners, is knowing where the line will be drawn and being able to advise accordingly. At the extremes, it will be obvious if someone has or runs the risk of

transgressing but there will be some significant grey areas. I am still not clear whether the test to charge or to prosecute will be based on cost, policy or evidence. It will be interesting to see what guidance there will be for those required to make these decisions.

TJM: At the moment, it is difficult to predict and we must wait and see what happens after 1st July. For any business or other organisation, care will have to be taken with anti-bribery procedures to ensure that their reasonableness is not called into question in criminal proceedings

What do you believe are the key aspects sets at the Criminal Bar need to survive and flourish?

WM: It's essential to attract the best advocates and identify potential. Our pupillage selection has borne fruit over many years and most of our young talent is home-grown. Pupils should be in with a realistic chance of getting a tenancy and applicants deserve to be assessed in a friendly and supportive environment whilst their skills and the value they can bring to a team of advocates can be properly assessed. It's important to try to recruit regularly, creating healthy but friendly competition and allowing junior tenants to progress onto the next level and for established and senior members to develop their practices across a range of compatible areas and into more demanding and prestigious work.

TJM: It's a combination of teamwork, consistency in providing high-quality representation, recruiting wisely at all levels, targeting new sources of work and being ready to adapt and react to possible changes in the public provision of legal services. Criminal practitioners' analytical and presentational skills can be attractive to clients away from the Crown and Magistrates Court. Advising and training for organisations and some businesses where they may come into conflict with criminal and quasi-criminal law strikes me as an obvious option. I am thinking, in particular of money-laundering and bribery. ●



Guy Hewetson, LPA Legal, interviewed Tim Mousley QC & William Mousley QC